

CC 92-77

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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AUG 29 1994

IN REPLY REFER TO:

Stop Code 1600A2  
IC-94-13393  
9403800

Honorable Conrad Burns  
United States Senate  
183 Dirksen Senate Office Building  
Washington, D.C. 20510

RECEIVED

AUG 31 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Dear Senator Burns:

Thank you for your July 21, 1994 letter on behalf of Sheriff Tim Solomon, President of the Montana Sheriffs and Peace Officers Association, located in Harve, Montana, regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice seeks comment on this analysis and asks interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invites parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost.

The Further Notice also explicitly seeks comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice seeks additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also seeks comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. For example, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

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Honorable Conrad Burns

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Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities. We are including a copy of your letter and enclosure in the public file on this proceeding.

Sincerely,

*Robert W. Spangler*

Robert W. Spangler  
Deputy Chief (Policy)  
Enforcement Division  
Common Carrier Bureau

Enclosures

CONRAD BURNS  
MONTANA

# United States Senate

WASHINGTON, DC 20510-2603

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July 21, 1994

94013392

Mr. James Schlichting  
Policy Division, Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, Northwest  
Washington, D.C. 20554

Dear Jim:

I am writing to you to share the concerns of a Montana constituent concerning FCC policy. Let me explain further.

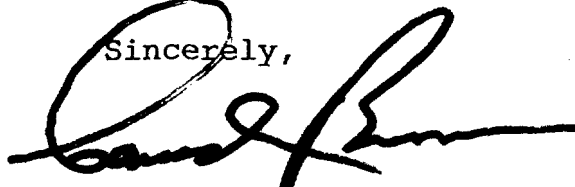
Mr. Solomon is concerned with the implementation of the Billed Party Preference system in Montana's prison facilities. He contends that this service will not benefit inmates, but rather will decrease their ability to make calls as smaller Montana facilities will be unable to manage the service. In addition, he contends that this system will reduce the level of prison security. Mr. Solomon and I request that the FCC review and reevaluate the use of the Billed Party Preference system in our prisons.

I have enclosed a copy of Mr. Solomon's letter for your consideration. I thank you in advance for your cooperation, and look forward to your response. Please address my office correspondence to:

Senator Conrad Burns  
attn: Kris Hanson  
183 Dirksen Senate Office Building  
Washington, D.C. 20510

Again, thank you for assistance.

Sincerely,



Conrad Burns  
United States Senator

CRB/klh  
Enclosure

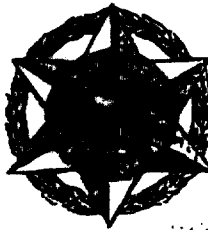
**FAX**

UNITED STATES SENATOR • MONTANA

**CONRAD BURNS**FAX TO: DianeOFFICE: FCCPHONE: 418-2806DATE: 8/9 TIME: \_\_\_\_\_PAGE 1 OF 3SUBJECT: Tim SolomonFROM: Kris Hansen

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 Jack Barney  
 Lewistown, MT 59457  
 538-3415

**PAST PRESIDENT**  
 Barry Michelotti  
 Great Falls, MT 59401  
 761-6842



**SECRETARY-TREASURER**  
 Tony Harbaugh, Sheriff  
 1010 Main Street  
 Miles City, MT 59301  
 Office: 232-2237

JUL 13 AM 9:10

OFFICIAL PUBLICATION  
 "THE MONTANA SHERIFF"

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July 6, 1994

Senator Conrad Burns  
 183 Dirksen Office Building  
 Washington, D.C. 20510

Dear Senator Burns:

On behalf of the Montana Sheriff's and Peace Officers Association, I am writing to express our concern and objections to the implementation of a system of Billed Party Preference for calls from inmate phone systems.

The argument which states that such a system will be a benefit to the inmates is simply not true. Inmates would see an immediate decline in their ability to communicate with family and others. Such a system would result in inmates not being able to make any phone calls. Small jails in particular would be unable to allow the unlimited access to phones that inmates now enjoy.

Under the proposed system of Billed Party Preference the jails in the state of Montana would be unable to manage an inmate phone system individually. Jails in Montana do not have the staff available to monitor calls, record what calls were made and to whom the call was made. Such a system would be a step backward in jail management.

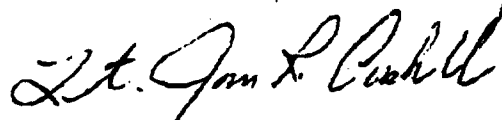
Fraud and abuse would be simple and lucrative for inmates.

The level of security in the facilities would be lowered and the tension levels would increase. Under the present system the Billed Party has the choice of accepting or rejecting the call. Numbers can be locked out and records of calls can be accessed.

The Billed Party Preference System would do nothing to increase the level of security or safety of either the staff or inmates in any detention facility. In actuality it would decrease the level of security.

We hope you will consider exempting detention facilities, jails, prisons and other similar types of facility's from Billed Party Preference.

Sincerely,



Sheriff Tim Solomon, President

by: Lt. James R. Cashell, Chairman, Jail Issues Committee

cc: Honorable Reed Hundt  
Senator Max Baucus  
Representative Pat Williams